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THE
ANTI-SEIGNIORIAL
CONVENTION
OF
MONTREAL,
TO THE PEOPLE.



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THE
ANTI-SEIGNIORIAL CONVENTION
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All political and social institutions have derived the condition of their existence in accordance with their times and places, and the reform of these institutions, has an appointed period in the decrees of providence. This double axiom, may be applied to the *Seigniorial régime*, with perhaps more of truth than to any other human institution. The *Seigniorial régime* may have been conformable to an epoch, where the right of the sword created *Seigniors* and Barons, but to this age of the world and especially to the people of America, the system is an anomaly which ought to cease. The actual state of the country, the vast enhancement in the value of the soil, as well as of every species of industry, the spirit of private and public independance which has created the exercise of constitutional government; all these causes, have awakened the depressed aspirations of the people, and have created a moral insurrection, which will not give way before any obstacle or any demi-reform.

Preamble.

It is not by the effort of a day that the people have arrived at the determined requirement of the abolition of this system.

Since 1824 the public archives bear testimony to this fact : the people have continually demanded a law which should pronounce its abolition.—The 92 resolutions voted by the House of the Legislative Assembly in 1834, those passed by the numerous public meetings which took place before the events of 1837 and 1838, furnish an incontrovertible proof of the popular will. In 1841, the date of the first general election which took place after the union, the Honorable Mr. Lafontaine, (in his address to the electors of Terrebonne, when soliciting their suffrages), expressed the opinion that the abolition of the *Seigniorial Tenure* could not be very long retarded. Since 1841, we have had the report of the commission appointed during that session, which presents us with a true and terrible picture of the evils resulting from the *Seigniorial régime*.

To relieve agriculture pressed down under the burthen of feudal charges which overwhelm it, to give a natural impulse to industrial progress, impeded by the *Seigniorial régime*; to arrest the flow of perpetually increasing emigration which bears away from Canada annually, that capital she so much needs, and a manly population so necessary for the clearing of our forests and rendering them productive, to place our civil legislation in harmony with our desires and our wants, as well as with our political institutions, such would be the effects, of the abolition of Seigniorial privileges.

Did the Bill of the Honourable attorney général Drummond, rejected during the last session by the Legislative Council, embrace the views which all reformers should propose to accomplish? Did it give satisfaction to the 200,000 petitioners who since 1848 have ardently solicited the abolition of Seigniorial privileges by all legal and constitutional means?

No one will presume to assert it. The representatives who voted for it did not hesitate to declare, that they only accepted this law, as the first step towards the abolition; in fact, it does not abolish the Seigniorial Tenure. A great number of Seigniories even those of the crown, those commuted by virtue of the imperial Act 6 George IV, Chap. 59, do not fall under the operation of that Bill. The Towns and Villages remain subject to the *Seigniorial régime*. To reach this abolition it introduces long and expensive forms which an *aveu et dénombrement* would render useless; it creates causes of divi-

sions and agitations amongst the *censitaires*, to determine whether a majority amongst them would desire or not a general and compulsory commutation. The hesitation of the attorney general of Lower Canada to adopt the principle of an immediate abolition might have been justifiable in 1851, the period at which he presented a declaratory law. If he did withdraw it at the moment when it was about to have been almost unanimously voted by the House of Assembly, it must be supposed that it was his intention to ascertain clearly the state of public opinion upon the question. The general elections for a new Parliament presented him that opportunity. The result was not a matter of doubt. The representatives for the district of Montréal, had formally and positively pledged themselves at the public meetings which preceded the elections. On the other hand, from 1851, to the month of February 1853, Mr. Drummond could have easily procured from the Seigniors, all the necessary information, to enable him, to submit to the Legislative Assembly a definitive measure, such as that demanded by the country, especially since 1848. In presenting it he should have felt it his duty to declare that the rejection of this Bill, would enforce the resignation of the ministry.

If the Honourable Mr. Drummond had then called to his remembrance that great statesman, Sir Robert Peel, who gave to England *free trade*, his own action would have been more assured and decisive.—When we have delayed too long to reform, a radical reformation is the only one practicable. A minister strong and powerful, can effect such reforms without endangering his own existence. So far from this, he acquires additional strength, by the energy displayed in accomplishing such Acts.

These reflections being premised, we proceed to pass in review successively, each of the articles of the project of the Act of abolition adopted by the Convention.

ART. I.

An immediate law of abolition in all the Seigniories, without any exception, is now the only remedy acceptable. It can alone destroy the principle of the evil which a simple reform of the abuses would perpetuate. No well grounded reasons can be brought forward to support exceptions. The Seigniorial system was introduced by a despotic government, supported by aristocratic nobility; there is no reason now for its existence, under a free government, based on the grand principle of equality. Every modification introduced, every commutation with the

1. From the date of the passing of such a law, the Seigniorial tenure shall be and remain abolished, with all the rights useful and honorary which belong to it, and all immoveable property in Lower Canada held en *censive* shall pass under the *régime* of the *franc alev roturier*. For this purpose the laws which (in virtue of the imperial Act 6 George IV chap. 59.) have enfranchised certain Seigniories from the dependency of the crown, shall be revoked and modified so as to bring lands held en *censive* in the Seigniories, under the operation of the same law.

Crown, has had the effect of aggravating the condition of the *censitaire*, instead of conveying an amelioration. The protestations of the House of Assembly in 1834, and of the people since that period, are sufficient to prove, that those modifications were never accepted, but in fact imposed; let them fall with the system to which they belong; it is an imperious necessity. If for these latter Seigniories there is any necessity to present a special Bill, we will provide for that contingency at a proper time and place.

The documents furnished to the Convention, show that in the Towns and Villages, the Seigniorial Tenure is a heavier burthen than in any other place. They leave no doubt that already the Seigniors have received sums of money to a very large amount, as *bonus* at the time of the concessions, and as excessive *rentes* arbitrarily fixed by the Seigniors, and by the imposition of *lods et ventes*, that odious tax levied upon labour and industry.

Why should such an abuse be perpetuated?

A voluntary commutation by the *censitaire* and obligatory upon the Seignior, may be considered as an injustice. This disposition would give to the Seigniors an opportunity of causing the rejection of a law which would confirm this feature, either by the Legislative Council, or by the Imperial Parliament. Besides, this would be a continuation of the Seigniorial system with all its abuses. It would be a means of preventing the construction of rail roads, an obstacle to the progress of agriculture and industry. Let not the *censitaire* be bound to pay the price of redeeming his lands, which he should be allowed to do at his pleasure, this is all he can reasonably expect, this is all that the project claims from him in the name of the public interest. Moreover, hereby he will have the right to claim the aid of the government.

ART. II.

2. Every Seignior who possesses in his censive uncultivated lands unconceded, may reserve for his particular use and as solely his own, a domain not exceeding 150 arpents in superficies, if the Seignior is less than two leagues, 500 arpents if it is more than two leagues and less than three, 1000 arpents if it is more than 2 leagues and less than six, 1500 arpents if it is more than six, provided always, that the Seignior do not possess a domain of that extent. If the domain of some among them should be of less extent, they may

The extent of the domains reserved to the Seignior, is the same as that fixed by the Bill of M. Drummond. It is wise and judicious not to pass from certainty to uncertainty when it can be avoided. The Convention have been almost unanimous in maintaining this disposition.—Such has not been the case in debating the question whether the Seignior ought to be forced to keep his domain. The minority were desirous that he should have the liberty to keep it or to abandon it on receiving its price. The majority could not entertain this opinion. The Sei-

gniors like all other classes of proprietors, have founded establishments for which they have expended more or less capital. They have worked for themselves, for their families, in gratifying their own ideas, and tastes, without preoccupying themselves with the public interests. If to day, we were obliged to refund the sums expended by the Seigniors to build for themselves more or less comfortable manors, mills badly constructed or falling to ruin, the abolition would in that case become a mine of gold for the Seigniors whom extravagance and carelessness, have placed in narrow circumstances.

The last sentence of the 3rd paragraph relating to water powers employed by the Seigniors can, it is said, give rise to contestations. The Convention to obviate that evil thinks it sufficient to leave it for the Legislature to determine, what can be understood by water powers employed usefully. If this disposition is wisely interpreted, it will appear natural to declare, that those in use, are those upon which have been really established manufactures, mills, &c., &c., before the presentation of a law of abolition; or rather before the presentation of M. Drummond's Bill in 1853, in which the same disposition is inserted.

ART. III.

It was said during the discussion, that by the fact of the abolition, all the reservations made in the contracts of concession, would disappear. Why therefore take away from the proprietors of lands, the water powers which adjoin them? This argument appeared more specious than well founded in law or in reason. In point of fact, the *cessionnaire* had not supposed that he had purchased the water power. He had not the right to force the Seignior to concede to him this land more than any other. In abolishing the Seigniorial system, to leave it to him, without his being required to pay an indemnity, would be to enrich him to the detriment of the mass of the censitaires; all that he can claim is that he should be allowed to retain the water power on paying its value. To exceed this would be doing an injustice.

Many an objection has been made relating to unconceded lands. Some think, that these should all come into the redemption fund, by the simple act of abolition; others that they should be conceded on the conditions fixed by M. Drummond's Bill. The majority of the members of the Convention persist in the opinion that the average course adopted as a compromise, is just and

complete it by adding thereto a portion of unconceded lands. Also, every Seignior shall retain to himself the mills constructed by him as well as the water powers on the border of the lands belonging to him. And all those situated elsewhere which may actually have been employed before the— All properties so reserved as left to the Seigniors, shall be for the future held *en franc aleu roturier*, on condition of paying an indemnity for the *droit de quint*, which shall be deducted from the indemnity to be paid to them.

3. All the water powers situated within the Seigniories, elsewhere than on the borders of the lands left to the Seigniors and which have not been employed or sold in good faith, should be reunited to the crown to be sold for the benefit of the redemption fund to be hereafter created. Also all lands not conceded, and not making part of the domain of the Seigniors, as above mentioned, shall be reunited to be sold by the crown (in the delay of—). Half of the price shall belong to the Seigniors and the other half shall accrue to the redemption fund.

rational. If it could be left to an appreciation by fixed and certain rules of calculation, there is every reason to believe that it would be found equitable. The question is freely put; it will be discussed in public assemblies, by the press, in the Legislative Assembly and probably every body will satisfy himself, that the Convention has not done an arbitrary thing.

By the Bill of M. Drummond, the Seigniors were under the obligation of conceding *à constitut* uncultivated lands at the rate of 7 *sous* an *arpent*: 7 *sous* per *arpent* represent a capital of nearly 117 *sous*, that is to say, less than one dollar. By the same Bill the *cessionnaire* could redeem the capital at pleasure.

There is now few Seigniories where land can be worth, on an average, less than from 3 to 4 dollars the *arpent*, if the land was free from all feudal charge. Those who are expert in the valuation of lands, estimate three dollars per *arpent* as the lowest value of unconceded lands in the Seigniories. Thus seven shillings and six pence instead of one dollar would be given to the Seignior for each *arpent* of uncultivated land.

In commuted Seigniories ten dollars per *arpent* is the price generally demanded.

If then the mode in which the Convention proposes to arrange this matter, be prejudicial to either of the interested parties, it can only be so to the *censitaires*.

The principle adopted by the Bill of M. Drummond for the sale of the uncultivated lands, would have created a singular spectacle. The first person who should have appeared before the Seignior would have had a priority over others in obtaining a concession. It would have been a hurried sale and not a concurrence based upon the value of the land, which would have been opened by this system.

ART. IV.

4. The *cens et rentes* actually payable otherwise than in money, shall be converted into money, according to the value of the articles of which they are composed being determined by taking the average price during the last ten years.

All *cens et rentes* payable in money or otherwise which actually exceed four *sous* per *arpent* in superficies, shall be reduced to four *sous*.

The right of Seigniors to an amount beyond four *sous*, shall be submitted to the investigation and to the decision of the courts and tribunals, at the suit of the crown.

This article adopts the principle established by Mr. Drummond's bill, with regard to the conversion of the *rentes* into money or to their reduction to 4 *sous*.

The discussion which has arisen at different periods upon the reduction of the *rentes* to four *sous* or to two *sous*, ought to give way before the undeniable fact, that before the cession of the country there existed *rentes*, payable in produce which would be equivalent at the present day, to four *sous* per *arpent* if converted into money. If instead of being paid in wheat, fowls or other produce, these *rentes* had always been tendered in money

it is beyond doubt, that there is not a Seignior where a single land would be found charged with more than two *sous* of rentes ; but in taking the actual value of the wheat of which certain rentes are composed, we are enabled to establish the rentes of four *sous*, as a legal rate. It is for this reason that the Convention has adopted, in this particular, the Bill of the Attorney General.

As to decide whether the Seigniors have had the right of exceeding this rate, some are desirous that the legislature itself should determine that point.

But the majority has not been of opinion that the legislature is a tribunal to which a question merely legal, ought to be referred. In every feature of the plan of the Convention, it will be seen that it has strictly confined itself within the limits of law and of justice, impartially administered.

To maintain a just line of demarcation between the separate interests, is to remain within the limits of the law. To break through this line of demarcation, is to depart from such limits and to assume a dictatorship. The Convention did not desire to do so. If it is admitted in principle that the Seigniors have a right to pretend to an indemnity, in case it should be adjudged that they were entitled to raise the rate of rentes at their pleasure, it would be just to admit also the right of the censitaires, to claim a compensation, of whatever nature, in the event of the Courts of Justice declaring against the pretensions of the Seigniors. How shall the action for restitution be introduced ? That is a pure question of detail, an account to be presented to the Crown, when the payments are to be paid to the Seigniors, the amount of which shall be compensated with a portion of the amount of the indemnity.

It will naturally be necessary to fix the number of years for which compensation shall be due. The Convention reserves to itself the discussion of these points when the question shall be open before the Legislature.

ART. V.

The opinion has been put forth that there should be an indemnity of some description, for the extinction of the *droit de banalité*, as to the grain destined for use and cut on the lands of the *censitaire*. It has been suggested to cover this indemnity by demanding of the government, to remit to the Seigniors the amount which the latter would have to pay to the Crown for the extinction of the *droit de Quint* upon the *domaine*, the mills and the

The decision of the Court of Queen's Bench sitting in appeal shall be final. No Seignior shall sit as a judge in an interior court or in appeal. If the courts pronounce in favour of the Seigniors, they shall be indemnified for the amount exceeding four *sous*, from the redemption fund.

If they reject the pretensions of the Seigniors, the latter shall reimburse the amounts they have illegally received since the——.

5. The only rights for which an indemnity shall be paid to the Seigniors, are the *cens et rentes*, reduced as above stated, and the *lods et rentes*.

water powers which belong to them. The majority has not adopted this course, and for these reasons :

Upon the right of *banalité* the opinions of juriconsults and the judgements of the courts are contradictory. In general committee the House of Assembly had at first decided that there was no indemnity due. This decision was reversed by a small majority in order not to obstruct the passing of the Bill. In order to determine if there is ground for an indemnity, it is necessary to consider, whether the obligation imposed upon the Seigniors to establish mills was a favour or a charge. It is not disputed that it was a charge, nor is it disputed that they were bound to establish and to maintain good roads leading to these mills. If this was a charge, there is no ground for an indemnity when the charge is removed. Besides it may be urged with reason, as a general principle, that he who claims an indemnity, should show that he has suffered some sort of injury. In this respect the Seignior can establish none, because he will remain proprietor of his mills, where the *censitaire* will resort to grind as formerly, not compulsorily, but voluntarily. There will not even be for a length of time any competition to apprehend, because the Seigniors are now proprietors of a great portion of the water powers where mills can be built. Besides the generality of the Seigniors admit that no indemnity is due for the abolition of the *banalité*.

ART. VI.

We have arrived at the *aveu et dénombrement*, which the Seigniors are bound by law to furnish to the crown. No one doubts that the government has the right to exact it, and if it has not done so as *Seigneur dominant*, especially since 1763, the matter is easy of comprehension. The government has always availed itself of Seigniorial influence to bear down the people and lead them at its pleasure. To compensate this influence, the government has protected the Seigniors with all its power, whenever the people pushed to extremities, have come forward to expose new grievances. It might have been expected that a ministry advanced to power by the people in 1848, would have removed these grievances by exacting an *aveu et dénombrement*, and thus have rendered more easy the preparation of a wise and judicious law of abolition. But up to this time, so far from being willing to do so, he has opposed every just and legitimate demand which has been addressed to him for this object

6. Within six months from the date of the abolition the Seigniors shall be bound to make an *aveu et dénombrement*, namely, to furnish a statement such as the following :

1. The description and measurement of the Seigniorie with its boundaries.

2. The number of arpents of land not yet conceded.

3. The description of the domain reserved by them, its measurement and its boundaries.

4. The names of all those who hold lands in *censive*, the date of their concessions, the measurement of each farm and the rate at which it has been conceded.

5. All mutations necessitating *lods et ventes*, since the 1st of January 1844, until the 1st of January 1855.

6. What sums the Seignior has effectively and really received during the same period for *lods et ventes*. The remittances voluntarily made by the Seignior shall not be included in the receipts.

by the Convention. The time is now come to remind the government of its obligations and to demand the execution of the laws, without distinction of persons.

One thing should be borne in mind, if it was permitted to the Seigniors to evade the laws under one pretext or another, the censitaires might justly claim the same privilege until this question be settled. We leave it to the Legislature to make this article more efficient, by enacting the manner by which the statement furnished by the Seignior, can be corrected if necessary.

It may be just to remark that whenever it shall be necessary to have recourse to judiciary proceedings, the greatest care should be taken to render such proceedings clear prompt, and unexpensive.

If for reasons which cannot be actually foreseen, the abolition could not be decreed, at the commencement of the next session, the representatives of the censitaires should insist, to obtain at least a law to cause an *aveu et dénombrement* to be delivered without delay.

ART. VII.

This article has given rise to arguments but has been unanimously adopted, as a consequence of the principles admitted by the preceding dispositions. It is easy to understand its bearing. The government on behalf of the public interests and for the effective execution of the measure, intervenes, issues its debentures for the amount of the redemption fixed upon, after the *aveu* and *dénombrement* approved by the municipalities representing the censitaires, contradictorily to the Seigniors, in presence of an officer appointed by the crown.

The centering of the arrangement of this matter into the hands of the government, is so to speak the corner stone of the plan.

The commutation voluntary on the part of the *censitaire* and obligatory on the part of the Seignior, presents two inconveniences of extrême gravity. In the first place, as that commutation would have been made by a conversion of the actual Seigniorial rights, into a *rente constituée* or a direct payment to the Seigniors, the *censitaire* would have had daily business to transact with the Seigniors, from which would have originated ruinous compositions for him whether in the way of obtaining a delay or by a series of other transactions, in which he would almost invariably have been the vic-

7. The revenue of their mills and water powers employed.

8. Whether unemployed water powers are to be found on the lands situated near rivers, not belonging to the Seigniors.

The statement will be certified by the Seignior under oath, if he resides in the country, and by his first agent. In the event of the absence of the Seignior, the statement shall be in the above manner attested by his first agent and by one person employed by the Seignior, if he has such a person employed. Every false allegation in such statement, shall be considered as a perjury and punished accordingly.

The statement shall be deposited into the hands of an officer appointed by law, at whose office all the censitaires of the Seignior, will be entitled to examine it, free of all expenses.

If such a statement be not furnished within the delay of six months hereinbefore fixed, and so long as it shall not be furnished, the Seignior shall not be entitled to receive the *cens et rentes* nor the interest of the capital by which they are represented, neither shall he receive part or the whole of the indemnity, to which he might have had a right to pretend.

7. The capital representing the amount of the *cens et rentes* reduced and converted into money, as also the *lods et ventes* shall be calculated by taking the average of the income during ten years. The government shall issue its debentures for the capital of the *cens et rentes* and *lods*, which debentures, shall be redeemable at will, but they shall all be redeemed in the term of 25 years.

The interest on these debentures shall be payable by the *censitaires*. The capital of the *lods et ventes* having first been apportioned according to the value of each property. A separate valuation shall be made for cities.

The interest shall be paid to the government and collected by the municipalities.

tim. A moral dependence would still have followed and continued that debasing system, from which every one desires to be released. Such is what was to be feared for the censitaire.

On the other hand, the Seigniors may resist this system of commutation by arguments the justice of which it is difficult to dispute. Invested with rights which produce a fixed revenue, the Seignior has reason to count upon a capital of an almost fixed value in the market. He can now realize this capital by disposing of his rights as Seignior. By the project of a voluntary commutation on the part of the censitaires and obligatory on that of the Seignior, such as that embraced in the Bill of Mr. Drummond, the Seignior is obliged to receive his capital in sums so small, that he can scarcely make use of them and derive any considerable benefit from them.

In placing the settlement of the question entirely into the hands of the government this double inconvenience is avoided. The censitaire has nothing to do with the Seignior, and is neither exposed to his favours, nor his spite, neither to his moral dependency nor to pecuniary obligations. He is reinstated in his position as a man, and finds himself in a condition of entire equality with his fellow-men, in every point of view.

The Seignior cannot on his part offer any just objection. The government which will be enabled annually to redeem a considerable part of its debentures, will pay integrally, and in one single payment, the value of a whole Seignior, and will thus put the Seignior in a condition to use his capital. And it is only by means of turning a large number of small sums into a common fund that this result can be effected. This plan ought in this point of view to reconcile all opinions and all interests. Those who desire a law of voluntary commutation for the censitaire, will obtain it if this project is adopted. For during 25 years every one can voluntarily and when he pleases, release his property on paying the capital. The Seignior, on his part, cannot complain because he is paid for his property at once.

Every one will understand, that the censitaire will pay interest upon the capital which will represent his *rente* not exceeding four *sous*, and the *lods et ventes* apportioned to his property.

It has been asked who should pay the costs of collection of this interest? The Convention has not entered into this detail; the question is easily resolved.

It is the Seigneur who should pay the costs of collection. At present each Seigneur pays from fifteen to twenty per cent of his income for the administration of his Seignior. Such being the case, let the government retain annually from the interest payable to the Seigneur, ten or fifteen per cent, and the municipal officers who shall make the collection, will retain the same sum to pay himself, before turning it into the hands of the Receiver General.

The economy of this plan, depending upon the regular payment of the interests, there should be established an absolute prescription for the recovery of these interests. —Two very important objects would thus be obtained, that of realizing this project of redemption in its letter and spirit, and demonstrating the accuracy of the calculations upon which it is grounded,—and on the other hand, it would leave nothing at the discretion of the collector, who could show neither favour nor tyranny. We will show in an instant the importance of regularity in the payment of the interests.

The fluctuation in the value of property in the cities, induced the Convention to demand a separate list of valuation, for the cities. A yet stronger reason will moreover show, the wisdom of this disposition. In the Cities and Villages there is hardly anything beyond the *lods et ventes* to redeem; but it is an object much more considerable than that which weighs on rural property. As the *lods et ventes capitalized*, according to the project of the Convention and to the present article, should be distributed between the properties held *en fermes*, it would be unjust to oblige the proprietors of farms, to contribute towards the payment of the excessive *lods et ventes* to which City properties are liable.

One difficulty with regard to this article remained to be settled: namely, to know who should be appointed as collector, to receive the sums to be paid by the *censitaires* for the interests or for the redemption of the capital.

The Committee which had prepared this project, had left it to the Convention to decide whether the appointment of the collectors should rest with the government or with the municipalities; and the Convention has adopted the latter course, for motives the justice of which, will be appreciated by all enlightened men and by all the friends of liberty.

Those who seek to simplify the mechanism which binds society together, by abandoning it to the arbitrary and absolute power of government, would probably have left the appointment of these agents to the government. They

would have pretended that the responsibility of these agents would have been kept in narrower and simpler limits, and that the government being invested with the settlement of the question, should have the choice of his agents.

But when we think of the vast amount of patronage and means of corruption which the appointment of these agents by the government, would spread over the country, we are justly terrified, and we demand what would become of public liberty. Then, we look for the best means of executing this project in a manner which could offer an equal security of good management, without periling the individual independence of all the *censitaires*.

The municipalities furnish us with the means of settling this difficulty, and the Convention has adopted them without hesitation. The Secretary treasurer of the municipalities, or any other officer appointed for that purpose, might be bound to give sufficient security to the crown, before he takes upon himself the duties of collector, and a certain guarantee might thus be obtained.

However, whether the collector be appointed by government or by the municipalities, it is extremely important that he should exercise no discretion whatever.

ART. VIII.

8. The debentures issued by the government shall be paid annually by instalments, according to the sums received by the fund of redemption.

And if at the expiration of 25 years there should yet remain an amount of unredeemed debentures, the government shall apportion them among the *censitaires* who shall not have enfranchised their properties, according to the first list of valuation.

The most important object to know, is the probable amount to be paid by the *censitaire* at the end of 25 years.

A Seigneur, whose opinion in every thing is admitted to be of the greatest importance estimated, last year, all the Seigniories of Lower Canada at £1,200,000.—The valuation comprised the *rentes* exceeding 4 *sous*, the water powers, the mills, the domain and the unconceded lands, which this project would substract from the total value of the Seigniories. According to the general opinion, the water powers, the mills, domains, amount in most of the Seigniories to more than a third of their total value. In estimating those three articles at one third, there would remain but £800,000, to redeem including even the *rentes* above 4 *sous*. If this valuation was exact, and if the government contributed £750,000, the *censitaire* would have no interest to pay after ten years and his land would be free without disbursing any capital.

But let us suppose that this valuation should be doubled, and that the portion to be paid by the *censitaires* for redemption, would amount to £1,600,000, which gives

a value of two millions to all useful rights actually into the hands of the Seigniors; from this supposition which is exaggerated solely to the prejudice of the censitaires, the whole capital due by lands held *en censive*, would be redeemed in 25 years, by the grant alone of government, —the £750,000.

The annuities of £30,000, into which would be divided the £750,000, would redeem in twenty five years an amount of £1,645,950, of debentures, supposing even that none of the censitaires did voluntarily commute during the interval.

It is by the means of compound interest that we obtain such a result; but we repeat that this result, depends upon the regular payment of the interests by the censitaires.

During those 25 years, each censitaire who does not commute voluntarily continues to pay the interest of the whole capital with which his farm is charged. As the government redeems each year £30,000, of debentures, and more, according to the amount of sums paid in, either as voluntary redemption, as product of the sales of water powers not in use, or as unconceded lands, the *censitaires* pay over, the interest of the debentures redeemed in that manner.

If we set aside all the sources of revenue unconnected with government outlay; we might attain to the sum of over £1,645,950 of which we have spoken, by the means of the grant of £750,000 alone. In sixteen years only we might obtain a sum of over £800,684, which would be sufficient to destroy all traces of the Tenure, if the valuation of the Seignior of whom we spoke, a moment ago, is correct.

The calculation is simple: for the first year the censitaires will only pay the interest on the debentures put into circulation, as the government will have redeemed none as yet.

The second year, £30,000 of debentures having been redeemed and the censitaire continuing to pay interest on the whole capital, a surplus of £1,800 falls into the redemption fund, being the interest of the redeemed debentures and the government can redeem an amount of £31,800.

The following year, the censitaires pay the interest on £31,800, thereby enabling the government to redeem an amount of £33,708,—and so on. This result is certain.

Therefore the uncertainty against which the convention, by an excess of prudence, has attempted to provide, is not to be feared; for it is certain that long before the

expiration of the 25 years, all will be settled and nothing will remain chargeable to the *censitaire*.

If, since 1848, the members of the Legislature who have taken up this question had been sincere in their protestations, we would now be in possession of an *aveu* and *dénombrement*, to enable us to establish correct estimates ;—but being uncertain as to the value of Seigniories and the rights to be purchased, the Convention has thought it a duty to leave nothing incomplete on that point ; and it is for this reason that it provides for the improbable, if not impossible case, where redeemable debentures might remain after 25 years.

It will be remarked that the Convention never loses sight of the obstacles which at present fetter Industry and arrest its developement.

Should a balance remain to be paid, at the end of 25 years, it should be divided according to the first roll of valuation, among the unredeemed properties during the interval, and not according to the value which those properties might have obtained, either by the course of time or by the progress of Industry.

ART. IX.

9. All the *censitaires* shall be at liberty to redeem the whole or a portion of the capital for which they have to pay an interest, by turning it into the fund of redemption.

This article was adopted without division. A few details might have been introduced here. Thus the capital might be divided into ten payments in order to allow the *censitaires* to purchase their commutation at will and with facility. A scale of premiums might be established to encourage the *censitaires* to redeem their lands. As soon as the law would be in operation, it would be easy to see what could be done in order to arrive at a final settlement.—We will merely point out now these two means amongst many others which experience will make known.

ART. X.

10. A redemption fund shall be established, of which the receiver general shall be the treasurer, the said fund shall be composed of the following sources of revenue ;

This article was also adopted without division, and we believe that no serious objection against it, can be brought forward by persons who sincerely wish to deliver the country of the Tenure.

1. The indemnity due by the Seigniors for the *droit de quint* to be paid for the enfranchisement of their domains, mills and water powers ;

1st Source of revenue.—By the project of the Convention, it is proposed to give the *Seignior*, the equivalent of the rights which he will lose. It is in order to arrive at this result that the eventual right of the *lods et ventes* is divided between all the properties. That which is left

to him, his mills, water powers and domain, will in future be held as free. But we must not lose sight of the actual condition of the Seigneur. If he is entitled to the *lods et ventes*, he is subject, on the other hand, to pay the *droit de Quint*, at each mutation of his property. Therefore if the censitaire must pay for the enfranchisement of the *lods*, the Seigneur must also pay for his *droit de Quint*, at least on all that is left to him, if not on the capital put into his possession for the *lods et ventes*.

We must now endeavour to find an average term to determine the amount to be paid by the Seigneur. For the *lods et ventes* it has been found equitable by all parties, to take the medium average of the mutations in ten years. The mutations of Seigniories being scarce, for several reasons, and amongst others because many of them are in the hands of persons of *main morte*, it is almost impossible to have recourse to an expedient of this nature. A jury composed of disinterested persons, might perhaps settle the question equitably.

2nd Source. — When the conditions of payment shall have been made easy to the censitaire, and when he shall have been encouraged to purchase his freedom, by liberal premiums, we can rely upon this source of revenue as that which will most speedily destroy the Tenure.

3rd Source. — We have proved that the surplus of interest paid by the *censitaires*, if government contributes as we have stated, would be sufficient, with the government grant, to redeem an amount of debentures equal to over £1,645,950, in the space of 25 years.

4th Source. — We have heard it expressed as an opinion, that this source of revenue would probably be fruitless; for if the project of the Convention was adopted by the Legislature, the Seigniors would evade the law, by disposing in a simulated manner, of all water powers and unconceded lands. But this is one of those cases in which public good faith demands the application of retroactive laws, to protect society against fraud. In this case, the sale of unemployed water powers and unconceded lands, executed before the introduction of M. Drummond's bill, in the last session, might be declared, *primâ facie*, fraudulent, by the law of abolition.

But on the other hand, it would be but justice to admit the Seigneur to establish, that such sales were executed according to the regular form of transactions, and without regard to a law of abolition.

5th Source. — We have but to answer those who find difficulties in deciding the government to contribute for this sum.

2 The sums paid by the censitaires for their voluntary enfranchisement.

3. The surplus paid each year for interests;

4. The produce of the sales of unemployed water powers, and half of the price of unconceded lands.

5. The sum of seven hundred and fifty thousand pounds, to be taken from the consolidated fund of the province, in annual payments of thirty thousand pounds, during twenty five years.

The publication of this manifesto, has long been delayed for the following reasons : it was desirable to clearly ascertain the opinions of the *censitaires* and of the reformers upon the question : it was absolutely necessary, to collect a mass of incontrovertible proofs, to establish :

1° That government was obliged to aid the *censitaires*, in redeeming the indemnity.

2° That the townships of Lower Canada, as well as Upper Canada, could bring forward no objections, founded on right or equity, to justify the refusal of the demand of the *censitaires*.

At the present moment it can truly be said, that the opinion of the people has been plainly made apparent in the public assemblies which have been held in the District of Montreal, since the 26th of December 1853.

The resolutions adopted have given a new weight to the principles of the Convention. The Canadian press has generally approved of them, in a series of sound articles the justice of which the English press could not contest.

If enlightened and consciencious persons should still be found in Canada, who could question the principles set forth, we have reason to believe, that their opposition would fall to the ground, before the arguments and the facts which we will bring forward.

TOWNSHIPS.

Historical Documents since 1812.

The Townships of Lower Canada, at this period, were almost a desert. The population was thinly scattered here and there, amidst the woods and forests ; without roads or means of communication : many of those now existing through the townships, have been opened at the cost of government ; that is, at the cost of the *censitaires*, for the reason that the townships being almost deserted, they could hardly contribute any thing towards the public revenue. Thirty thousand pounds have again been voted for this object during the last session.

Nearly all the farms in the townships, not belonging to the crown, have been *given gratis* to the actual possessors or to their predecessors. A report of the Legislative Assembly in 1849, establishes the fact, that about 12,173,266 acres of land have been given in this manner, in the townships, in quantities exceeding 400 acres. But we have nothing, up to this day, to prove how many millions of acres have been given, in quantities *under* 400 acres.

Upper Canada was in a similar position Cornwall, Prescott, Kingston, Little York (*at present Toronto*), Niagara, were the only Towns existing, and where a number of inhabitants could be found. The other settlers were scattered along the banks of the St. Lawrence and the Lakes. From thence, it may be said, without fear of contradiction, that the *censitaires* formed at least three fourths of the inhabitants of Canada.

Upper Canada.

What, at the same time, was the position of England, financially and politically, with regard to Canada?

That power, sovereign of Canada, was at war with France, at that time ruled by Napoléon backed by most of the great powers of the continent.

The United States, had increased the number of the enemies of England by their declaration of war.

Great Britain's armies in Portugal, Spain, Sicily, &c., &c., were so small, that only weak corps could be detached to meet the American forces.

The bank of England had suspended specie payments.

Therefore, to obtain pecuniary aid and defensive means, England was obliged to rely, in a great measure, on the *censitaires*, and demand of them to tax their lives and their property.

Did the Canadian *censitaires* refuse to give England the help that she then required?

Let the facts speak for themselves.

England.

Lower Canada.

19TH MAY 1812.—The House of Assembly of Lower Canada, in which the townships were not represented, votes in succession, £12,000, £20,000, £30,000.—Total, £62,000,—which enables the Governor General to make the necessary preparations for the defence of the Province.

JULY, 1812.—The Governor General exposes in a confidential Message, that the public treasury is exhausted; he demands current specie, to meet the expenses of the militia, whose battalions are daily increasing, and those of the military establishments.

He states that he cannot find the necessary funds to pay the government bills in circulation.

The House of Assembly, by an immediate vote of urgency, adopts a bill to authorize him to issue bills, under the denomination of ARMY BILLS, to the amount of £250,000, subsequently raised to £500,000, and finally to £1,500,000.

£15000 per annum are also voted to pay the interest on the army bills, and also £2,500 per annum, to defray the expenses of the army bill office.

FEBRUARY 1813. — This same House votes also

£15,000, for the equipment of the militia ; £1,000, for military hospitals ; £25,000, to meet the unforeseen expenses of the war.

Nor is this all, sums of money are also voted for the following purposes : improving the communications with Upper Canada :—Pensions to wounded militiamen and to the widows and children of those who fell on the battle field, or died of wounds.

Let the interest of the sums paid by the *censitaires*, from 1812 to this day, in consequence of the votes which we have analyzed, be exactly calculated up to this moment, and we are convinced that it will arrive at least to ONE MILLION OF POUNDS.

NOVEMBER 1812,—ODELTOWN AND LACOLLE.

Who marched, to a man, to check the invading American army ?

The CANADIAN MILITIA, the CENSITAIRES !

BATTLE OF CHATEAUGUAY.

Again at Chateauguay the Censitaires repulsed and drove back the enemy under General Hampton.

BATTLE OF CHRYSLER'S FARM.

Again, at the time of the Battle at Chrysler's Farm, the Censitaires, turned out in mass, to meet the enemy, if he had attempted to attack this portion of Canada.

UPPER CANADA.

At the time of the union the debt of Upper Canada was about one million and a half £1,500,000. That of Lower Canada only of £113,000. With public works, wholly paid, producing clear and net revenues, not only sufficient to meet the sums due for the interest, but to extinguish the debt itself in a very short time.

One seventh of the Crown Lands, has been set aside to support a part of the Clergy.—While the *censitaires* of Lower Canada, pay an obligatory tax, under the name of tithes, (dimes), to maintain their Clergy.—Hence it follows, that since the union (1840) very large sums, are levied on the proceeds of the public lands, the common property of the *censitaires* and of the other inhabitants of the country.

The *censitaires*, however, have never demanded, although they might have done so with reason, an aid from the public funds, for the support of their Clergy.

The above facts establish, that the revenues and the lands of which we are speaking, have in a great measure been retained at the cost of the *censitaires*.

PUBLIC DEBT.

The interest of this debt exceeds £200,000 sterling.

The net revenue of the public works amounts to about £50,000 sterling, leaving a balance of £150,000.

If we suppose that the *censitaires* contribute one third towards the payment of this balance, they should be credited to the amount of £50,000.

PUBLIC WORKS.

It is a well known fact, that the public works which have been the means of creating this debt, have been executed to a considerable extent for the advantage and exclusive profit of Upper Canada. Much of the produce of Canada West passes through the Welland canal, to be carried to New-York by Oswego, without profit to Lower Canada, whilst the value of the lands above this canal, and that of the agricultural produce is three or four times greater since its opening.

Can it be said that the commerce of Lower Canada derives much profit, from the produce or goods arriving by the Beauharnais and Lachine canals?

If the trade is benefitted thereby, the case is different with the *censitaires*, for this produce creates a competition in our markets, with the grain, produce and provisions of the *censitaires*.

TIMBER.

The revenue derived from the Timber from Lower Canada amounted, assuming that half from the Ottawa does belong to Canada East, to upwards of £30,000 last year.

CONCLUSION.

We will not expatiate farther. We are convinced that the facts and considerations set forth, justify plainly and completely, the position assumed by the convention, in its demand of a total and immediate abolition of the *Seigniorial Tenure* in Lower Canada, by means of a just and rational indemnity, to be paid partly by the public treasury, partly by the *censitaires*.

We hope that the Imperial Government, that Upper Canada and the townships, will be convinced, as well as ourselves, that the demand of an annual sum of £30,000 is but a slight compensation for the immense sacrifices accomplished by the *censitaires* and their ancestors, since 1763, to maintain the connexion between Canada and England.

We have reason to believe that the legislature will endeavour, in the next session of parliament, to forward the sentiments expressed by the Convention, and that it will take into favourable consideration, the propositions which will be duly submitted by this Convention.

An ajournment of the question would appear to us impolitic at the present time. The parties disposed to accept a compromise based on the principles of right and equity, might at a future time become more exacting. How great then the responsibility of the statesmen and public men, who, by their want of energy, would have led us to such a result.

It would be a neglect of one of our most essential obligations, of an imperious duty, if, in concluding, we did not address a few words to the *censitaires*, who entrusted us with the glorious and difficult mission which we have accomplished, if not with talent, at least with all the strength which conscientious and unalterable convictions could give us.

CENSITAIRES,

Count your representatives and see whether any of them will leave you much longer under *la taille et la corvée*,—whether they will hesitate to demand £750,000, when you perhaps have paid five millions for others,—whether they will be influenced by party considerations,—and whether they will fear to act, because a ministry will not act or might fall;—if you find such men in the national representation, take advantage of the general elections to set them aside.

The time has arrived when the *censitaires* must know that they number seven hundred thousands, and that if they suffer any longer, it is owing to their apathy.

The time has arrived, when the *censitaires* should neither see nor acknowledge any other political question but that of the abolition of the Tenure, and disdain all that can turn them from their object.

The time has arrived, when the *censitaires* must repel without pity, all those who could forget for an instant, in the Assembly, that their imperative mandate is to deliver the country from the Tenure.

Your energy has been too long expended in fruitless manifestations of your will and in listening to deceitful protestations of devotion. Your will must now be seriously made known.

JACOB DeWITT, PRESIDENT,
D. LATTE, SECRETARY.

Montreal, may 15th, 1854.



